

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARY TARRENCE,

Defendant.

4:14CR3125

ORDER

Defendant has moved to continue the trial currently set for June 1, 2015. (Filing No. 97). As explained in the motion, a material witness is not available during the current trial setting. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (filing no. 97), is granted.
- 2) A telephonic conference to set a new trial date will be held before the undersigned magistrate judge on May 27, 2015, at 9:00 a.m. Counsel shall be prepared to inform the court of any scheduling conflicts, including those of material witnesses. Counsel for the government shall place the call.
- 3) Based upon the showing set forth in the defendant's motion and the representations of counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the additional time arising as a result of the granting of the motion, the time between today's date and May 27, 2015, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7).

May 20, 2015.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge